

The Gazette of India

EXTRAORDINARY
PART II—Section 3
PUBLISHED BY AUTHORITY

25-6-57.

No. 332 NEW DELHI, THURSDAY, JUNE 20, 1957/JYAISTHA 30, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 13th June 1957

S.R.O. 2069.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 433 of 1957, presented to the Commission on the 3rd May, 1957, under section 81 of the said Act, by Shri Chunnilal Ken, son of Budha Ram, Resident of Balabai Ka Bazar, Lashkar, Gwalior, Madhya Pradesh, calling in question the election to the House of People from the Gwalior Constituency of that House of Shri Radhacharan Sharma, son of Baldeoprasad, Resident of Ambah, District Morena, and Shri Suriya Prasad Chamar, son of Hariram, Madhavganj, Lashkar, Gwalior.

Presented to me by Shri Chunnilal Ken whose signature has been obtained in the margin and attested as having been signed before me this the third day of May, One Thousand Nine Hundred and Fifty Seven.

(Sd.) A. KRISHNASWAMY AIVANGAR, 3-5-57

Secretary,
Election Commission, India.

(Sd.) CHUNNILAL KEN.

Attested.

(Sd.) A. KRISHNASWAMY AIVANGAR.

The 3rd May, 1957.

TO THE ELECTION COMMISSION INDIA, NEW DELHI

ELECTION PETITION No. 433 OF 1957

Chunnilal Ken son of Budha Ram, caste-Jatav, resident of Balabai Ka Bazar, Lashkar, Gwalior, Madhya Pradesh—*Petitioner*.

Versus

(1) Shri Radhacharan Sharma son of Baldeo Prasad, caste Brahman, resident of Ambah, District Morena.

(2) Shri Suriya Prasad Chamar son of Hariram, Madhavganj, Lashkar, Gwalior.

(3) Shri Atam Das son of Jiwan Das, Hem Singh Ki Parade, Lashkar, Gwalior.

(4) Shri Baburao Patel son of Panduranj, Editor, Film India, Girnar, Bombay.

(5) Shri Chaturbhuj son of Pannalal Jatav, Kampoo Road, Lashkar.

(6) Narayanrao Shezualkar son of Pt. Krishnarao, Advocate, Nai Sadak, Lashkar.

(7) Shri Deviram son of Bhajanlal Koli J. C. Mills Goshpura, Gwalior.

(8) Shri Naval Singh son of Kuarpal Singh, village Barua, Noorabad P.O. Motijheel, Pargana Gird, Gwalior.

(9) Shri Ramdyal Singh son of Janak Singh, Thakur, Rajput Sewa Salngh, New Road, Ratlam.

Election petition under section 80 of the Representation of the People Act, 1951. Questioning the election of returned candidates, Respondents Nos. 1 and 2 for the House of the People, from Gwalior double-member Constituency whose election is void.

May it please your honour,

The petitioner respectfully submits the following facts and grounds for holding the election of Gwalior Parliamentary Constituency null and void.

(1) That the petitioner is an elector entered on No. 12701 (Part 1) Mohalla Balabai Ka Bazar, Lashkar, Gwalior in the Electoral Roll for the election to the House of the People, relating to the Gwalior double-member constituency held in February-March, 1957.

(2) That the Gwalior Parliamentary Constituency is a double-member Constituency having one of the seats general and other reserved for Scheduled Castes. The respondents Nos. 1 to 9 and Shri Murlidhar Singh filed their nomination papers before the Returning Officer, Gwalior and their nomination papers were accepted by the said Returning Officer.

(3) That the following candidates contested the above mentioned election:—

- (i) Shri Radhacharan, Congress candidate for general seat returned elected.
- (ii) Shri Suriya Prasad Chamar, Congress candidate for the Reserved seat returned elected.
- (iii) Shri Thakur Murlidhar Singh of Praja Socialist Party candidate, for general seat (defeated, now dead).
- (iv) Shri Atamdas, Praja Socialist Party candidate respondent No. 3 for reserved seat (defeated).
- (v) Shri Baburao Patel, Hindu Mahasabha candidate respondent No. 4.
- (vi) Shri Chaturbhuj, Hindu Mahasabha candidate respondent No. 5 for reserved seat (defeated).
- (vii) Shri Narainrao Shezwalkar, Jansangh Party candidate respondent No. 6 for general seat (defeated).
- (viii) Shri Deviram, Jansangh Party candidate respondent No. 7 for reserved seat (defeated).
- (ix) Shri Naval Singh, Independant candidate respondent No. 8 for general seat (defeated).
- (x) Shri Ramdyal Singh, Ramrajya Parishad candidate, respondent No. 9 for general seat (defeated).

(4) That out of the above candidates respondents Nos. 1 and 2 were put up by the All India National Congress, Respondents Nos. 5 and 4 by the Praja Socialist Party of India, Respondents Nos. 5 and 6 by the All India Hindu Mahasabha, Respondents Nos. 7 and 8 by the All India Jansangh Party, No. 10 by Ram Rajya Parishad. All the aforesaid parties supported their respective candidates and carried on propaganda in furtherance of the election of their party candidates with the knowledge and consent of the candidates concerned.

(5) That the votes secured by the above candidates respondents Nos. from 1 to 10 are as under:—

Respondent No.	Number of votes secured.
1	1,35,081
2	98,671
3	89,975
4	70,863
5	55,230
6	52,678
7	38,023
8	35,434
9	30,668
10	32,655

(6) That polling of votes of the Gwalior Parliamentary Constituency took place on the dates mentioned as under:—

24th February 1957	Lahar, Pichhore and Joara Circle to Gwalior Parliamentary Constituency.
March, 1957	Bhind and Ateer Circle.
March, 1957	Gird Circle.
March, 1957	Mehgaon and Gohad Circle.
March, 1957	Lashkar, Morar and Gwalior circle.
March, 1957	Ambah circle.
March, 1957	Morena Circle.

At polling station Sada of Lahar Circle the Ballot Boxes for Madhya Pradesh Assembly constituency were misplaced and changed by the Presiding Officer of the Polling Station. The Election Commission ordered re poll for the said Polling Station. Hence a re poll for the said Polling Station was held on the 18th March 1957.

(7) That the counting of the votes polled took place from 11th March, 1957 and was completed on 19th March, 1957 by the Returning Officer at Gwalior. As the maximum number of votes was found to have been polled by the Congress candidate respondent No 1 for general seat he was declared elected. Similarly the maximum number of votes was found to have been polled by the Congress candidate respondent No 2 for the reserved seat he was also declared elected to the House of the People of India.

(8) That the nomination paper of Shri Atamdas respondent No 4 of the Praja Socialist Party candidate was accepted improperly and illegally for the following reasons —

- (a) That the candidate of the Praja Socialist Party respondent No 4 Shri Atamdas was not qualified to contest the said election under section 7 sub section (d) of Representation of People Act, 1951 because Shri Atamdas is a Contractor class A of Archaeological Department of the Government of India working in the Central Circle Archaeological Department, Bhopal.
- (b) That the Contractor, Shri Atamdas is a contractor in Archaeological Department of Government of India since 20 years and Shri Atamdas has been a working Contractor in Archaeological Department of Government of India Central Circle, Bhopal from 26th February, 1934 and the said contract was subsisting on the date of filing the nomination paper by the said respondent No 4. The contract was for Rs 37,000.
- (c) That the above said contract is still in the hands of Shri Atamdas, respondent No 4 and the contract will be completed probably in another next five six months time. The running payment received by Shri Atamdas from the Archaeological Department Central Circle, Bhopal till day is about Rs 20,000. The said Contractor, Shri Atamdas has also completed many minor contracts of Archaeological Department Central Circle, Bhopal.
- (d) of R P I of 1951 are applicable to the candidate Shri Atamdas respondent No 4. Thus he was disqualified for contesting the election as his nomination paper was improperly and illegally accepted by the Returning Officer. The Acceptance of the nomination paper of Shri Atamdas has materially effected the election as a whole. Had this nomination paper not been accepted all or an overwhelming majority of votes polled to him and his other Praja Socialist Party candidate would have gone to respondents Nos 5 and 6 and the respondents Nos 1 and 2 would have been surely defeated in the election.

(9) That the election of Respondents Nos 1 and 2 is void inasmuch as the following corrupt practices were committed by respondents Nos 1 and 2 their Agents, and other persons with their knowledge or consent or connivance —

- (a) That the Agents of Respondents Nos 1 and 2 with their knowledge or consent or connivance hired a large number of tongas and motor cars for the conveyance of voters to the Polling Stations. Full particulars of corrupt practices mentioned in the Sub para and their details are given in the list marked as 'A' attached herewith which may be read as a part of this petition.
- (b) That the Agents and other persons with the knowledge or consent or connivance of Respondents Nos 1 and 2 or their agents tried to secure ballot papers by false personation for furthering the prospects of Respondents Nos 1 and 2 at various polling stations. This corrupt practice was committed on a large scale. Full particulars of the above said some corrupt practices and their details are given on list marked as 'B' which may be read as part of the petition.
- (c) That the Respondents Nos 1 and 2 and their Agents and supporters and other persons with the knowledge or consent or connivance of the Respondents Nos 1 and 2 made a systematically appeal either by themselves or through their Agents to the voters to vote for the Respondents Nos 1 and 2, the Congress Party candidates, on the grounds of caste and community and religion for the furtherance of the prospects of the Respondents Nos 1 and 2. Full particulars of the corrupt practices mentioned in the sub para and their details are given in the list marked as 'C' attached herewith which may be read as a part of this petition.
- (d) That Respondents Nos 1 and 2 filed returned of election expenses which is false in material particular and is not in accordance with the provision of the law. Not only this large amounts of money were spent by the Agents of Respondents Nos 1 and 2 which have not been included in the above mentioned return. Full particulars of some such corrupt practices and their details are stated in the list marked as 'D' attached herewith which may be read as a part of this petition.

- (e) That Respondents Nos. 1 and 2 and their Agents and other persons with the knowledge or consent or connivance of Respondents Nos. 1 and 2 or that of their Agents published such statements of fact which were false and which they either believed to be false or did not believe to be true in relation to his candidature, being statements reasonably calculated to prejudice prospects of Respondents Nos. 4 and 5 at the election. Full particulars of the corrupt practices mentioned in the sub-para. and their details are mentioned in the list marked as 'E' attached herewith which may be read as a part of this petition.
- (f) That Respondents Nos. 1 and 2 exercised either themselves or through their agents and other persons with the knowledge or consent or connivance of Respondents Nos. 1 and 2 or their agents, under influence upon the voters and thereby interfered directly and indirectly with the exercise of their electoral rights. Not only this, Shri Jiawaji Rao Scinde, the former ruler of the former Gwalior State issued pamphlets with messages under his signatures to the illiterate and ignorant voters of the constituency under the appellation of "Maharaja of Gwalior" and thus fraudulently exercised undue influence upon the aforesaid voters, who were under great influence of their former Ruler of Gwalior before the merger of the said State in Madhya Bharat and before the merger of M. B. in Madhya Pradesh as Rajpramukh of M. B. Full particulars and details of this corrupt practice are given in list marked as 'F' attached herewith and which may be read as part of this petition.
- (g) That the Respondents Nos. 1 and 2 and their Agents' knowledge or consent or connivance obtained or procured or abetted.
- (h) That the Respondents Nos. 1 and 2 and their Agents and other persons with their or their agents knowledge or consent or connivance obtained or procured or abetted or attempted to procure assistance for the furtherance of the election prospects of the election of the Respondents Nos. 1 and 2 from a large number of persons serving under the Government of Madhya Pradesh. Full particulars of this corrupt practice and details are given in the list marked as 'G' which may be read as a part of this petition.
- (10) That the petitioner has deposited the amount of Rs. 1,000, dated 27th April 1957 as deposit for this petition in Gwalior, Treasury of Madhya Pradesh Government. The receipt is herewith attached.
- (11) That the election of Respondents Nos. 1 and 2 the candidate, is void because their election has been procured and induced and the result of their election has been materially affected by the corrupt practices mentioned above.
- (12) That Respondents Nos. 3 to 9 are added as parties necessary to the petition, the petitioner does not claim any relief against them.
- (13) That the petitioner, therefore, prays that the election of Respondents Nos. 1 and 2 may be declared as void and he further prays that the cost of these proceedings may be awarded to the petitioner and against the said Respondents Nos. 1 and 2.

The humble petitioner,

(Sd.) Chunnilal Ken son of Budharam by caste Jatav.

I, Chunnilal, Jatav, declare and verify on oath that the contents of paragraphs Nos. 1 to 8 and 12 are true on information received by me and para. Nos. 9, 10 and 11 are true to my knowledge as well as on information received and believed by me to be true Lashkar, 30th April, 1957.

(Sd.) CHUNNILAL KEN.

List 'A'

(1) That the Respondents Nos. 1 and 2 were contesting the aforesaid election to the House of the People from Gwalior Double Member Constituency. All their propaganda work was joint and workers and office holders of the Committees of the All India Congress Committees within the aforesaid constituency were working in furtherance of the election prospects of the above respondents. Therefore the aforesaid persons were the agents of the Respondents Nos. 1 and 2.

- (a) In greater Gwalior Morar Circle red plated jeeps belonging to the Maharaja of Gwalior, Shri Jiawaji Rao Scinde, Gwalior 12, (grey coloured) Gwalior 10, (grey), Gwalior 8 (Red), Gwalior 12 (Red) and a Mercedes Benz car 'Gwalior 21' and Tongas Nos. 434, 445, 523, 567, 574 and 36 (B class) driven by Cariba were employed by the agents of Respondents Nos. 1 and 2 for carrying voters to the Krishna Kunj polling station on the 5th, of March 1957.

- (b) That car No 2470 M B C was used by Shri Hari Krishna Jadhavji Bhuta, an agent of Respondent Nos 1 and 2 and one of the top ranking Congressite of the constituency for bringing voters to polling station on the 6th of March, 1957
- (c) Motor Truck No 1273 M B C was used by the agents of Respondents No 1 and 2 for carrying voters to Possa Polling Station, within Ambah Circle, on the 6th March, 1957

I, Chunnilal Ken, verify on oath that para No 1 sub para (a) is true to my knowledge and sub para. Nos (b), (c) and (d) are believed by me to be true on information received by me. Verified at Lashkar on 30th April, 1957

(Sd) CHUNNILAL KEN

List 'B'

(1) That at polling station Number 103 (New Middle Section) in the town of Morena within the aforesaid constituency in Morena Circle on 9th March, 1957 Shrimati Ashabai Bhonsle, a Congress Party Worker who had gone to Morena in furtherance of the election prospects of Respondents Nos 1 and 2 and as such working as Agent of the aforesaid Respondents during the time of the polling secured the ballot papers for the assembly constituency and cast them falsely personating another woman voter of the constituency, but was caught when trying to secure the ballot papers for House of People. Due report was made and the Presiding Officer took down her statement in which she admitted her guilt and agency.

(2) That at Naka Chandrabadri (Mudra Pahad) in Morar Circle of the aforesaid Constituency a Muslim voter secured the ballot papers for the Assembly Constituency in the name of his father falsely personating him. But the fact was soon revealed and the Presiding Officer took his statement and handed him over to Police custody. But due to the pressure of Congressmen he was released most probably by the order of the Returning Officer.

(3) That at Daulatganj Ram Narain Dharamshala Polling Station, a Muslim tried to get ballot papers falsely personating a voter. Due complaint was made to the Presiding Officer who took the notice of the fact and detained in Police custody but afterwards due mysterious reasons he was let off. The aforesaid Muslim had admitted that Congress workers insinuated him to do that unlawful act.

(Sd) CHUNNILAL KEN

I verify on oath that the contents of para No 3 are true to my knowledge and para Nos 1 and 2 are believed to be true by me on information received

(Sd) CHUNNILAL KEN

List of Particulars 'C'

(1) That Buiya Prasad Chamar (Jatav) the Congress candidate for the reserve seat of the House of People for Double member Gwalior Constituency through his supporters and agents got the pamphlet 'Dhoke-Se* Bacho' under the signatures of Lokman Singh and twenty others (Mukhiyas of Chamar Jatav caste) printed from Maharashtra Press, Lashkar. It was distributed in meeting of Jatavas at Mari Mata on 19th February 1957 and general public of Gwalior, Lashkar Morar on the same date by Respondent No 2 and his agents. The aforesaid pamphlet was distributed throughout the constituency in furtherance of the election prospectus of the Respondents Nos 1 and 2. And it was distributed by the Respondent No 2, his agents, and other persons with his consent and knowledge at Bhind on 27th February, 1957, at Bhandar on 23rd February 1957, Ghodd on 26th February, 1957, at Ambah and Mahagaon on 2nd March, 1957, and Pichhore and Dabia Mandi on 20th February 1957. By this pamphlet the Respondents Nos 1 and 2 and their agents and other persons with consent and knowledge of Respondents Nos 1 and 2 and their agents made systematic appeal in the name of caste to secure votes for the above Respondents. The relevant portion of the above pamphlet is given below —

जाटव भाईयो,

आपको मालूम ही है कि पिछले समय श्री आत्मदास व हरिनारायण कैन ने जूते बनाने वाले भाईयो के सम्बन्ध में जो पत्रायत मेरी माता पर हुई थी उसमें एका के मसोदे पर दस्ताखत नहीं किये व कहने सुनने पर कुछ सज्जनों को बेइज्जत कर झगडा किया। दिनांक २१-१-५७ ठेकेदार मूंगाराम खासगी (जो जूते बनाने वाले भाईयो से बरतते हैं) की नातिनी की शादी में इन तिलक धारियो को पगत में देखकर हमें बड़ा

अवरज हुआ। हमारे लोगो ने, जो परस कर रहे थे कहा भी कि यह सब बोटो का चक्कर है, बोट लेकर फिर वही लेन चलेगी। दूसरे पिछोर सिमरिया के देवलाल ने पिछोर के जूते बनाने वालों को मिलाने का एलान किया है हम तीनों शहर के पंच डबरा पर पचायत में एका करने गये। हमने बुरे २ ताहने देकर कहा गया कि मोने की रापी वाले से भी बर्ताव नहीं करेगे। अब क्या आफत पड़ी पंच-महल में जो अपने आप मिलाते फिरते हैं। सब बोट लेने की चाल है। हरिनारायण कैन ने उल्लू की लकड़ी फेरी है। तीसरे यह गप्प छोड़ी जा रही है कि आत्मदास राष्ट्रपति से झुण्ड में से जाटव अलग निकलवाकर पास करा लाये हैं। यह झूठ है। भोली जनता से पैसा और बोट भेटी करने के ढंग हैं। हम इस बारे में सब धारो की पचायत करने को तैयार हैं। यदि राष्ट्रपति ने झुण्ड से अलग जाटव पास कर दिया होगा तो हम एक रुपया से लेकर एक लाख तक दंड देने को तैयार हैं। राष्ट्रपति जी पास शुदा कानून को कैसे बदलेगे ससब ने जो जाटव नाम पाम किया है उसके द्वारा जाटव लिखवा सकते हैं कोई रुकावट नहीं है। कांग्रेस कुछ भी करे लेकिन हम लोगो को जनता को बहकाने के लिये कुछ न कुछ ममाला चाहिये। अतः शहर व गांव के जाटव भाईयो से बिनती है कि भाई भाई से, बहिन भाई से, बाप बेटी से नातेदार से नातेवार, झुटाने वाले व गरीब जूते बनाने वाले जाटव भाईयो को बेइज्जत कर परेशान करने वालों की चाल में न आवे, बेल-जोड़ी की पेटी में बोट डालकर कांग्रेस को विजयी बनावे।

पिछड़े झगड़े से अपने कुछ भाईयो को डराया गया है और प्रचार किया गया है कि वो आदमियों की लड़ाई है। बड़े शर्म की बात है कि गांव २ इज्जत बिगड़ रही है तो भी बुज्जविल बने बैठे हैं। वे पैसा उछा रहे हैं, सगठन कर रहे हैं। हमारे डरपोक भाई झकड़ा होने से भी डरते हैं। डरिये नहीं, हिम्मत कर तारीख १६ फरवरी मंगलवार को मरी माता पर पचायत है पचायत में वे भी भाई आवे जो जूते वाले हैं व जूते वालो से बरतते हैं। दोगर भाई को आने की तकलीफ नहीं करना चाहिये। कोई झगडा फिसाद करेगा उसका पुलिस हतजाम करेगी। निवेदक

(2) As announced through the above pamphlets a meeting was convened at Man Mata on the 19th February 1957 within Gwalior Circle where Respondent No 2 Suryaprasad exhorted the Chamar audience in the name of his caste (Chamar) to vote for him and not to vote for Atamdas who is not a 'Shoe maker' Jatavas

(Sd) CHUNNILAL KEN

1. Chunnilal Jatav declare and verify on oath that the contents of paras Nos 1 and 2 are true to my knowledge and are believed to be true by me on information received Verified at Jashkar on 30th April 1957

(Sd) CHUNNILAL KEN

List of particulars 'D'

Return of election expenses

(1) That the return of election expenses filed by the Respondents Nos 1 and 2 are false in material particulars and further the default was made in making the return. The accounts have not been kept by the above respondents in accordance with the requirements of law. In the return many lump sums payments in various parts of the return are shown without giving details and the nature of the expenses incurred in each case. Further, large amounts of money spent by the agents of Respondent Nos 1 and 2 have not been included in the return. The all vouchers of the sum spent also have not been obtained. The expenses incurred in printing and publishing the pamphlets and statements given on appendix Nos 6, 7, 8, 9, 10 of Shri Jiwanji Rao Scinde and Shrimant Vijayaraje Scinde of Gwalior which were freely distributed throughout the Gwalior Parliamentary Constituency in thousands have not been shown. Shri S. K. Patil of Bombay, Shri Lalbahadur Shastri, Shri Govind Ballabh Pant and Shri U. N. Dhebar and other Congress leaders visited the

Gwalior Parliamentary Constituency and did propaganda work by delivering speeches at different places, for furthering the election prospects of the respondents Nos. 1 and 2. Thus they acted as agents of the said respondents, but their travelling and other expenses have not been shown in the above return of expenses. Shri Jiwaji Rao Scinde and Shrimant Vijayaraje Scinde and Shri Hari Kishandas Bhuta, Shri Narsingh Rao Dixit (Deputy Home Minister M.P.) toured various places of the Constituency in Motor cars and delivered speeches for furthering the prospects of the Respondents Nos. 1 and 2, but the expenses incurred by them have not been entered in the aforesaid return of expenses. This is a deliberate concealment of expenses, therefore the election of the Respondents Nos. 1 and 2 should be declared invalid on this account.

(2) The money spent by District Congress Committees and Pargana Congress Committees within the aforesaid Constituency for furthering the election prospects of the respondents have neither been kept according to law nor shown in the aforesaid return of election expenses.

(3) That Jeeps and Motor Cars belonging to Shrimant Jiwaji Rao Scinde of Gwalior Nos. Gwalior 12, 10, 8 and 'Gwalior 21' were used on the 5th of March, 1957 in furtherance of the election prospects of the Respondents Nos. 1 and 2 in Morar Circle of the aforesaid Constituency. One Jeep belonging to Shri Baburam Dixit of Morar was purchased by Shrimant Jiwaji Rao Scinde of Gwalior specially for election propaganda during the month of February, 1957 and which was used for furthering the election prospects of Respondents Nos. 1 and 2 in Morar Circle. The price of the aforesaid Jeep purchased and petrol, wear and tear and probable hire value of the aforesaid Jeeps and Cars belonging to Shrimant Jiwaji Rao Scinde of Gwalior have not been shown in the above return of expenses.

(4) That the public meetings in furtherance and prospects of the election at the respondents Nos. 1 and 2 were organised by the agents at the respondents Nos. 1 and 2 throughout the aforesaid Gwalior Parliamentary Constituency are specially in Lashkar, addressed by respondents Nos. 1 and 2, but the amount spent for their meetings have not been shown in the return filed by respondents Nos. 1 and 2.

(Sd.) CHUNNILAL KFN.

I verify on oath that the contents of paras. Nos. 1 to 4 are true to my knowledge and verified at Lashkar on 30th April, 1957.

(Sd.) CHUNNILAL KFN.

List of particulars 'E'

That Respondent No. 2 and his agents and other persons with the knowledge and consent or connivance of Respondent No. 2 and his agents distributed the pamphlet appendix No. 1 published by the agents of the respondent No. 2 in Lashkar, Morar Gwalior city on 19th February 1957 and in the meeting at Merimata where respondent No. 2 appealed to the voters on the basis of caste to vote for him at Bhind on 27th February 1957 and Gohad on 28th February 1957 Mehgaon and Ambah on 2nd March 1957 Pichhore and Dabra Mandi on 20th February 1957 and Bhandar on 23rd February 1957. The above publication contains statements of facts about Shri Atamdas Respondent No. 1 which are false and which the Respondent No. 2 and his agents believed to be false or did not believe to be true relation to the personal character and conduct of Shri Atamdas Respondent No. 1. The above statements of facts were reasonably calculated to prejudice the election prospects of the aforesaid Shri Atamdas.

That statements of facts above referred to is as under:—

जाटव भाईयो,

आपको मालूम ही है कि पिछले समय श्री आत्मदास व हरिनारायण कैन ने जूते बनाने वाले भाईयों के संबंध में जो पंचायत मरीमाता पर हुई थी उसमें एका के मसौदे पर वस्तुतः नहीं किये व कहने सुनने पर कुछ सज्जनों को बेइज्जत कर झगड़ा किया। दिनांक २१-१-५७ ठेकेदार मंगाराम खासगी (जो जूते बनाने वाले भाईयों से बरतते हैं) की नातिनी की शादी में इन तिलकधारियों को पंगत में देख कर हमें बड़ा अचरज हुआ। हमारे लोगों ने, जो परस कर रहे थे कहा भी कि यह सब वोटों का चक्कर है, वोट लेकर फिर वही लैन चलेगी। दूसरे पिछोर सिमरिया के देवलाल ने पिछोर के जूते बनाने वालों को मिलाने का एलान किया है। हम तीनों शहर के पंच उबरा पर पंचायत में एका करने गये। हमसे बुरे बुरे ताहने

वेकर कहा गया कि सोने का रांपी वाले से भी बर्ताव नहीं करेंगे। अब क्या आफत पड़ी मंच-महल में जो अपने आप मिलाते, फिरते हैं। सब बोट लेने की चाल है। हरिनारायण कैन ने उल्लू की लकड़ी फेरी है। तीसरे यह गप्प छोड़ी जा रही है कि आत्मवास राष्ट्रपति से झुण्ड में से जाटव अलग निकलवाकर पास करा लाये हैं। यह झूठ है। भोली जनता से पैसा और बोट अन्टी करने के बूंग हैं। हम इस बारे में सब धारों की पंचायत करने को तैयार हैं। यदि राष्ट्रपति ने झुण्ड से अलग जाटव पास कर दिया होगा तो हम एक रुपया से लेकर एक लाख तक घण्टे देने को तैयार हैं। राष्ट्रपति जी पास शुदा कानून को कैसे बदलेंगे संसद ने जो जाटव नाम पास किया है उसके द्वारा जाटव लिखवा सकते हैं कोई रूकावट नहीं है। कांग्रेस कुछ भी करे लेकिन इन लोगों को जनता के बहकाने के लिये कुछ न कुछ मसाला चाहिये। अतः शहर व गांव के जाटव भाईयों से विनती है कि भाई भाई से, बहिन भाई से, ब नाप बेटी से, नातेदार से नातेदार भुटाने वाले व गरीब जूते बनाने वाले जाटव भाईयों को बेइज्जत कर परेशान करने वालों की चाल में न आवें, बेल जोड़ी की पेटी में तीन बोट डालकर कांग्रेस को विजयी बनावें।

पिछले झगड़े से अपने कुछ भाईयों को डराया गया है और प्रचार किया गया है कि दो आदमियों की लड़ाई है। बड़े शर्म की बात है कि गांव गांव इज्जत बिगड़ रही है तो भी बुज्जदिल बने बैठे हैं। वे पैसा उधा रहे हैं संगठन कर रहे हैं हमारे डरपोक भाई इकट्ठा होने से भी डरते हैं। डरिये नहीं हिम्मत कर तारीख १६ फरवरी मंगलवार को मरीमाता पर पंचायत है पंचायत में वे भी भाई भाई जो जूते वाले हैं व जूते वालों से बरतते हैं वीगर भाई को आने की तकलीफ नहीं करना चाहिये। कोई झगड़ा फिसाद करेगा उसका पुलिस इंतजाम करेगी।

(Sd.) CHUNNIL KEN.

I, Chunnilal, Jatav, declare and verify on oath that the contents of para. No. are true to my knowledge and are believed to be true by me on information received. Verified at Lashkar on 30th April, 1957.

(Sd.) CHUNNIL KEN.

List of particulars 'F'.

1. That Shri Jiawaji Rao Scinde of Gwalior toured the House of the People Constituency delivered public lectures at Bhind, Ambah and Morena, within the aforesaid constituency in furtherance of the election prospects of the Respondents Nos. 1 and 2. His hand-written messages were printed and published in thousands and distributed throughout the aforesaid Gwalior Constituency. The printed messages are attached on appendix Nos. 6, 7 and 8 pamphlet. "Maharajah Scindia Ki Janta Ko Sandesh" Shrimant Maharajah Jiawaji Rao Scinde Ki Matdataon Ke Nam Hastlikhit Appeal" containing his picture in Royalty, were also printed in thousands and distributed throughout the aforesaid Constituency between 19th February and 9th March, 1957, the pamphlets are given on appendices Nos. 9, 10 and 11. That in collaboration with the above messages and pamphlets and speeches delivered by Shrimant Vijayaraje Scinde were printed and published in the Congress daily newspaper of Gwalior 'Navprabhat' given on appendix No.

That in appendix No. 12, under his signatures Shrimant Jiawaji Rao Scinde discribing himself as "Maharajah of Gwalior" wrote—

इसलिये मैंने भी राष्ट्रहित में एवं कांग्रेस संगठन एवं राष्ट्र नायक पं० जवाहरलाल नेहरू के हाथ भजबूत करने के लिये मेरी धर्मपत्नी श्रीमन्त महारानी विजया राजे सिंधिया को गुना भेलसा क्षेत्र के निर्वाचन क्षेत्र से लोक सभा के लिये कांग्रेस टिकट पर खड़े होने की अनुमती दी है।”

In support of the above statement of Shrimant Jiawaji Rao Scinde, Shrimant Vijayaraje Scinde his wife, delivered public speeches at Jagir Miana, Bhadora and Umari in Guna

District which was published in the 'Navprabhat' dated 26th February, 1957 at Lashkar and distributed throughout the aforesaid the Gwalior Constituency containing the following expressions:—

“मेरे पास अनेक तार व पत्र आये कि आप चुनाव क्षेत्र में उतरिये। महाराज ने मुझे आज्ञा दी कि प्रजा भी तुम्हारी सन्तान के समान है। . . . अतएव मैं महाराज की आज्ञा से चुनाव क्षेत्र में उतरी हूँ . . . इत्यादि है।”

Respondents Nos. 1 and 2 and their agents including Shrimant Jiwaji Rao Scinde of Gwalior knew it thoroughly well that Shrimant Jiwaji Rao Scinde and Shrimant Vijayraje Scinde were no longer Ruling Maharajah and Maharani of Gwalior. But they made wide publicity of the above statements throughout the whole aforesaid Gwalior Constituency as a fraudulent device to interfere directly and indirectly with the free exercise of electoral rights of the voters of the aforesaid Gwalior Constituency. Thus they exercised general undue influence over the whole of the aforesaid Constituency and induced and tried to induce the illiterate and ignorant voters by the abovementioned fraudulent appeals, to vote for the Respondents Nos. 1 and 2.

That the aforesaid Nav Prabhat daily paper of Gwalior supported the candidate of all the Congress candidates within the above Constituency and thus was agent of Respondents Nos. 1 and 2. In the later part of the above mentioned speech of Shrimant Vijayraje Scinde the voters are threatened to vote for the Congress. The relevant portions of the above speech as given on appendix No. 12 is as given below:—

“आज कांग्रेस के पास शक्ति है। वह चाहे तो सैन्यबल से आप से वोट ले सकती है पर नहीं उसने जनता को अधिकार दिया है। अतएव आप अपना अमूल्य वोट दो बैल जोड़ी में डालकर कांग्रेस को मजबूत बनाइये।”

Thus the agents of Respondents Nos. 1 and 2 attempted to exercise undue influence in furthering the election prospects of the Respondents Nos. 1 and 2.

That a very influential Congress leader of Lashkar, Shri Kishan Chand Dulani, an agent of Respondents Nos. 1 and 2 issued his statement which was published in the Navprabhat daily Hindi paper of Lashkar Gwalior attempting to exercise undue influence and bribery in furtherance of the election prospects of Respondents Nos. 1 and 2 over the Sindhi voters of his Community. The statement was published in the aforesaid Navprabhat dated

and circulated throughout the aforesaid Constituency. The relevant part of said paper is given on appendix No. 4 which contains the following statement calculated to unduly influence and bribe the Voter of the said Constituency:—

“हमको अपना एजेंसी उसे चुनाव चाहिये जो न तो केवल सिंधी हो परन्तु वह जो हमको समय समय पर सरकार से सहायता लेकर देने में मदद करे व चाहे सिंधी न भी हो। सरकार कांग्रेस है अब हमको कांग्रेस सदस्य ही मदद कर सकेगा। परन्तु वो मदद तब करेगा जब हम कांग्रेस को सफल करने में अपना कर्तव्य पालेंगे। इसके अतिरिक्त सिंधी यहां की गणना में आटे में नमक नाममात्र है।”

“इसलिये समस्त मतदाताओं से विशेष कर सिंधियों को शत प्रतिशत कांग्रेस को वोट देकर अपना कर्तव्य पालन करके साबित करना चाहिये कि समस्त लश्कर की जनता नेहरूजी की पोलिसी का समर्थन करती है।”

I, Chunnilal Jatav, declare and verify on oath that the contents of Paras. Nos. 1 to 9 are true to my knowledge and paras. Nos. 1 to 9 are believed to be true by me on information received. Verified at Lashkar on 30th April, 1957.

(Sd.) CHUNNILAL JATAV.

List of Particulars 'G'.

(1) That Shri Hansraj Sharma, an Employee of Madhya Pradesh Government Education Department, serving in a Government School, Gwalior along with others issued a publication named “Punjabi Bhaion Ki Congress Ko Vote Dene Ki Appeal” and did propaganda work from 4th February, upto 4th March in furtherance of election prospects of Respondents Nos. 1 and 2 in Greater Gwalior.

(2) That Shri Narsingh Rao Dixit, alongwith Police and S.A.F. Guard and Officers toured various places within the aforesaid constituency and specially went to Ambah on 6th of March, 1957 with Superintendent of Police of Morena District, Shri Maharaj Singh and other Police Officers and S.A.F. Guard and toured throughout the Ambah Constituency and thus took help and Assistance of Madhya Pradesh Government Police and S.A.F. Servants in furtherance the election prospects of the respondents Nos. 1 and 2.

(3) That Respondents Nos. 1 and 2 and his agents obtained or procured or abetted or attempted to obtain or procure the assistance for furthering of election prospects of Respondents Nos. 1 and 2 from Shri Narsingh Rao Dixit, Deputy Home Minister of Madhya Pradesh who told the aforesaid constituency and did election propaganda specially at Lahar, Mehgaon and Ambah Circles during the election day and 6th of March 1957 at Ambah. During all this time Shri Narsingh Rao Dixit who was as much as agent to Respondents Nos. 1 and 2 for the furtherance of their election prospects was always accompanied by Police and S.A.F. Officers and Guard of Madhya Pradesh Government who assisted Shri Narsingh Rao Dixit in the aforesaid election work and thus Shri Narsingh Rao Dixit influenced the voters to vote for Congress Candidates Respondents Nos. 1 and 2.

(Sd.) CHUNNILAL KEN.

I verify on oath that Paras Nos. 1, 2 and 3 are true to my knowledge and information received which is believed to be true by me. Verified at Lashkar on 30th April, 1957.

(Sd.) CHUNNILAL KEN.

Serial No	Name of the document	Appendix No.
1	Hand Bill (DHOKE SE BACHO)	1
2	Hindi. (SINDHI BHAI CONGRESS KO VOTE DEN)	2
3	Nav Prabhat Cutting (CONGRESS KO HEE VOTE DENGE)	3
4	Nav Prabhat Cutting (CHUNAU CHARCHA)	4
5	Nav Prabhat Cutting. (Panjabī Bhai Congress Ko Vote Den)	5
6	"MAHARAJA OF GWALIOR APPEAL"	6
7	"MAHARAJA OF GWALIOR KE MAT DAT ON KE NAM HAST-LIKHIT APPEAL."	7
8	Maharaja of Gwalior ke Mat Dataon Se Hast-Likhīt Appeal	8
9	Maharaja Scinde Ka Janta Ko Sandesh	9
10	Shri Mant Maharaja Jivaji Rao Scinde ke Mat Dataon ke Nam Hast-Likhīt Appeal.	10
11	Shri Mant Maharaja Scindia ka Sandesh.	11
12	Dharam Ko Congress Nen Kab Aur Kahen (Nav Prabhat 26 February, 1957)	12
13	Panjabī Bhaien Ke Congress Ko Vote Daneh Ki Appcal	13

The appendices 1 to 13 of the petition are not being published

(Sd.) CHUNNILAL KEN.

[No. 82/438/57.]

By Order,

DIN DAYAL, Under Secy.